Larry D. Kincaid - SBN 176733
LAW OFFICES OF LARRY D. KINCAID, APC
1110 North Second Street
El Cajon, CA 92021
Telephone: (619) 937-0042

Robert J. Sutton, Esq., SBN 230508
LAW OFFICES OF ROBERT J. SUTTON
7710 Balboa Avenue, Suite 218-A
San Diego, CA 92111
Ph: 858-292-1473
Fax: 858-278-1209

Attorneys for Defendants,
HIEP PHAN,HONG LE

UNITED STATES DISTRICK COURT

SOUTHERN DISTRICT OF CALIFORNIA

AUREFLAM CORPORATION, a California Corporation Plaintiff, v. HIEP PHAN, individually and dba PHO HOA HIEP; HONG LE, individually and dba PHO HOA HIEP; and DOES 1 through 10, inclusive; Defendants.	Case No: 08 CV 538 LAB NLS DECLARATION OF HONG LE IN SUPPORT OF APPLICATION FOR RELIEF FROM DEFAULT Date: October 20, 2008 Time: 11:15 AM Courtroom: 9, 2nd floor

I, Hong Le, declare as follows:

1. I am a Defendant in the above captioned matter. The information contained herein is based upon personal knowledge, and if called upon to testify, I could and would do so competently.

2. The service of the Summons and Complaint in this action was made upon me on April 16, 2008.

3. I failed to respond within the time permitted by law for the following reasons: I do not speak, read or write English. I was served with the Summons and Complaint at our family restaurant, Pho Hoa Hiep, located at 6947 Linda Vista Road on April 16, 2008. I did not understand what the papers were because I do not read or understand English. I placed the papers on my husband's desk with a stack of various other mail. My husband and I normally hold documents written in English for our daughter to review and translate at a later time when she comes to the restaurant. However, my husband's mother died in Vietnam during the last week of January 2008. The custom of our people in Vietnam is to hold an initial funeral service immediately and then a second funeral service 30 days later. My husband and I traveled to Vietnam for the first service on January 31, 2008 and returned to San Diego on February 9, 2008. My husband was devastated because he was extremely close to his mother and I was immersed in an extremely hectic time due to opening the new restaurant in Chula Vista called Pho Hiep and Grill.

When we returned to San Diego on February 9, 2008, I noticed that there was a lot of unopened mail on my husband's desk but I knew he was still very upset about his mother's death and did not want to put additional pressure on him in his emotional stress. Our time was consumed with opening the new restaurant and arranging for the second funeral service in Vietnam. We left for Vietnam on May 4, 2008 and returned from the funeral service on May 24, 2008. On or about June 16, 2008, several weeks after our return from Vietnam, we received a large legal sized envelope in the mail. I gave the envelope to my husband who thought it looked like some sort of legal paperwork. He called my daughter to come and read it for us. My daughter came to the restaurant and read the contents of the envelope, then told us we needed to seek a lawyer because someone claimed to have sued us and we did not respond. We immediately looked through all the papers on the desk and discovered at the bottom of a pile of junk mail the Summons and Complaint. This was the first time we understood a lawsuit had been filed against us.

I affirm and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed on this 15 day of July, 2008 at San Diego, California.

Hong Le